

## Great American Insurance Company

In the United States Bankruptcy Court  
Southern District State of New York

MOSDOS CHOFETZ CHAIM INC. )  
Debtor. )  
CONGREGANTS OF MOSDOS CHOFETZ CHAIM INC. A/KA/ KIRYAS RADIN, )  
Plaintiff, )  
vs )  
MOSDOS CHOFETZ CHAIM INC., CHOFETZ CHAIM )  
INC., TBG RADIN LLC, SHEM OLAM, LLC, )  
CONGREGATION RADIN DEVELOPMENT INC., ARYEH )  
ZAKS, BEATRICE WALDMAN ZAKS, MENDEL ZAKS, )  
GITTEL ZAKS LAYOSH, ELIYAHU LAYOSH, SAMUEL MARKOWITZ, )  
DEBORAH ZAKS HILLMAN, YOM T. )  
HENIG, STEVEN GREEN, DANIEL GREEN, ABRAHAM ZAKS and )  
STERLING NATIONAL BANK, )  
Defendants, )

Case No. 12-23616rrd

**UNDERTAKING UNDER  
SECTION Appeal**

Great American Insurance Company  
301 E 4th St  
Cincinnati, OH 45202

WHEREAS MAYER ZAKS, ON BEHALF OF HIMSELF AND SIMA ZAKS, WEINTRAUB, ARON ZAKS, HENOCHE ZAKS, YOSEF TZVI ZAKS, NACHUM Z. BRODY, LEAH BRODY, YISROEL HOCHMAN, AND FAIGY HOCHMAN ("THE ZAKS") DESRIES TO GIVE AN UNDERTAKING FOR AN APPEAL FROM THE ORDER OF THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK "BANKRUPTCY COURT", DATED APRIL 14, 2022 ("APRIL 14TH ORDER"), IMPOSING COERCIVE MONETARY SANCTIONS (THE "APPEAL"),

NOW THEREFORE, THE UNDERSIGNED SURETY, DOES HEREBY OBLIGATE ITSELF, JOINTLY AND SEVERALLY, TO THE CLERK, UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF NEW YORK UNDER SAID STATUTORY OBLIGATIONS, IN THE SUM OF THIRTY THOUSAND (\$30,000). THAT OBLIGATION IS MADE TO PAY FUTURE COERCIVE MONETARY SANCTIONS IMPOSED AGAINST THE ZAKS, AS CALCULATED AND DIRECTED IN ACCORDANCE WITH THE BANKRUPTCY COURT'S ORDER OF JULY 27, 2022.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, IF THE ZAKS SHALL WELL AND TRULY PROSECUTE THE APPEAL WITH EFFECT AND SHALL, IF THE JUDGEMENT OF THE APPELLATE COURT BE AGAINST IT, PERFORM SUCH JUDGEMENT OR DECREE OF SAID COURT, AND PAY ALL SUCH SUMS AS MAY BE AWARDED AGAINST IT ON SUCH APPEAL, THEN THIS OBLIGATION SHALL BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT. THE CONDITION FOR PAYMENT OF THE BOND IS THE DISMISSAL; OF THE APPEAL OR THE AFFIRMANCE OF THE APPEAL OF THE BANKRUPTCY COURT'S JUDGEMENT OF APRIL 14, 2022 OR ANY MODIFIED JUDGEMENT IN FAVOR OF CONGREGATION RADIN DEVELOPMENT INC.

IN WITNESS WHEREOF, The corporate seal and name of the said Surety Company is hereto affixed and attested by  
Valerie Aber who declares under penalty of perjury that he is its duly authorized Attorney-in-Fact acting under an unrevoked power of attorney on file with the Clerk of the County in which above entitled Court is located.

Executed at Litchfield Park, AZ, 29th on July 2022

Bond No. E707022

Great American Insurance Company

Attorney-in-Fact Valerie Aber



A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

STATE OF ARIZONA \_\_\_\_\_ }  
COUNTY OF MARICOPA \_\_\_\_\_ } SS.

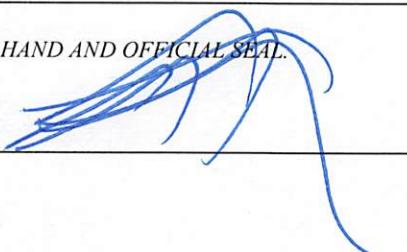
ON 07/29/2022 BEFORE ME, Joshua Ferman

PERSONALLY APPEARED VALERIE ABER, ATTORNEY-IN-FACT

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF ARIZONA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

*WITNESS MY HAND AND OFFICIAL SEAL.*

SIGNATURE 



**JOSHUA FERMAN**  
Notary Public - State of Arizona  
MARICOPA COUNTY  
Commission # 561267  
Expires April 12, 2023

THIS AREA FOR OFFICIAL NOTORIAL SEAL

**GREAT AMERICAN INSURANCE COMPANY®**

Administrative Office: 301 E 4TH STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by  
this power of attorney is not more than one

Bond No. **E707022**

**POWER OF ATTORNEY**

**KNOW ALL MEN BY THESE PRESENTS:** That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below its true and lawful attorney-in-fact, for it and in its name, place and stead to execute on behalf of the said Company, as surety, the specific bond, undertaking or contract of suretyship referenced herein; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below. The bond number on this Power of Attorney must match the bond number on the bond to which it is attached or it is invalid.

Name	Address	Limit of Power
Valerie Aber	13341 W Indian School Rd, Suite 305, Litchfield Park, AZ 85340	\$30,000.00

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this  
29th day of July, 2022

Attest

GREAT AMERICAN INSURANCE COMPANY



Assistant Secretary

Divisional Senior Vice President

MARK VICARIO (877-377-2405)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 29th day of July, 2022, before me personally appeared MARK VICARIO, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is a Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.



SUSAN A KOHORST  
Notary Public  
State of Ohio  
My Comm. Expires  
May 18, 2025

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated June 9, 2008.

*RESOLVED: That the Divisional President, the several Divisional Senior Vice Presidents, Divisional Vice Presidents and Divisional Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.*

*RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract of suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.*

**CERTIFICATION**

I, STEPHEN C. BERAH, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of June 9, 2008 have not been revoked and are now in full force and effect.

Signed and sealed this

29th day of

July, 2022

Assistant Secretary

S1194E (05/20)

**GREAT AMERICAN**  
INSURANCE GROUP

301 East 4th Street  
Cincinnati, OH 45202

GAIG.com

**GREAT AMERICAN INSURANCE COMPANY**

**STATEMENT OF ASSETS, LIABILITIES AND CAPITAL & SURPLUS  
AS OF DECEMBER 31, 2021**

**ADMITTED ASSETS**

Bonds.....	\$ 4,634,160,877
Stocks.....	1,342,077,362
Mortgage loans on real estate.....	610,128,164
Real estate (net of encumbrances).....	2,157,418
Cash and short-term investments.....	1,082,849,478
Other invested assets.....	1,716,473,934
Receivable for securities.....	720,833
Investment income due and accrued.....	38,284,700
Agents' and premium balances.....	741,860,859
Reinsurance recoverable on loss payments.....	62,020,920
Net deferred tax asset.....	80,340,794
Receivable from affiliates.....	12,188,429
Receivable from Federal Crop Insurance Corporation.....	559,865,780
Company owned life insurance.....	196,874,070
Funds held as collateral.....	6,793,185
Funded deductibles.....	28,797,876
Other admitted assets.....	46,333,163

Total..... 5 11,137,717,640

**LIABILITIES, CAPITAL AND SURPLUS**

Unpaid losses and loss expenses.....	\$ 4,806,584,991
Reserve for underwriting expenses.....	374,148,550
Federal income taxes .....	24,816,831
Reserve for unearned premiums.....	1,751,526,656
Ceded reinsurance premiums payable.....	203,873,832
Funds held under reinsurance treaties.....	640,117,270
Retroactive reinsurance ceded.....	(95,777,045)
Provision for reinsurance.....	41,494,800
Other liabilities.....	193,419,576
Total liabilities.....	<u>8,040,016,481</u>
Capital stock.....	\$ 15,440,600
Paid in surplus.....	887,143,561
Special surplus funds.....	77,301,464
Unassigned funds.....	2,117,818,554
Policyholders' surplus.....	<u>3,097,702,179</u>

Total..... \$ 11,137,717,640

Securities have been valued on the basis prescribed by the National Association of Insurance Commissioners.

STATE OF OHIO

COUNTY OF HAMILTON

Robert J. Schwartz, Vice President and Controller, and Stephen Beraha, Assistant Vice President and Assistant Secretary, being duly sworn, each for himself deposes and says that they are the above described officers of the Great American Insurance Company of Cincinnati, Ohio; that said Company is a corporation duly organized, existing and engaged in business as a Surety by virtue of the laws of the State of Ohio and has duly complied with all the requirements of the laws of said state applicable to said Company and is duly qualified to act as Surety under such laws; that said Company has also complied with and is duly qualified to act as Surety under Public Law 97-258 enacted September 13, 1982 (86 Stat. 1047 as amended; 31 U.S.C. 9304-9308); that to the best of their knowledge and belief the above statement is a full, true and correct Statement of the Assets, Liabilities and Capital & Surplus of the said Company as of December 31, 2021.

Subscribed and sworn to before me

This 25th day of February, 2022.

*Hillary M Clayton*  
Public Notary  
Notary Public, State of Ohio  
My Commission Expires April 28, 2025



*Robert J. Schwartz*  
Controller  
*Stephen Beraha*  
Assistant Secretary